

Applicant : Wang et al.  
Serial Number : 10/007,235  
Filed : October 22, 2001  
Page : 4

### REMARKS

Claims 1-22 were pending. Claims 1-22 are cancelled by way of this amendment as containing non-elected subject matter. Claims 23-25 are added by this amendment. Therefore, claims 23-25 are currently pending.

No new matter has been added. Specifically, support for claim 23 is provided in the specification at page 4 within the genus described therein, and in Scheme II on page 17, and Scheme III on page 19. Support for claim 24 is provided in the specification at pages 29-31, and support for claim 25 is provided in the specification at pages 25-29.

Reconsideration of the application is requested in view of the cancellation of claims 1-22, the presentation of new claims 23-25, and the comments provided herein.

1. Applicants wish to express their gratitude for the courtesies extended to their undersigned agent by Examiner Anderson, during telephonic interviews in regard to the Restriction Requirement.

2. Claims 1-16, and 21-22 were objected to as containing non-elected subject matter.

The applicants traverse this objection on the grounds that the restriction practice employed by the Examiner, as applicable to species within a claimed genus, appears not to comport with the MPEP. The Examiner has required the applicants to elect a species upon which she will base a "generic concept" for examination. The Examiner has suggested, through the objection of the claims as containing non-elected subject matter, that the applicants must acquiesce to the examination of only this "generic concept." This is in contrast to the MPEP's guidance that when a generic claim embodies several species, the Examiner is to require that the applicants elect a species prior to the examination of the entire generic claim -- not some subset of the claim that defines a more limited "generic concept." See MPEP. §§ 808 and 809.


Applicant : Wang et al.  
Serial Number : 10/007,235  
Filed : October 22, 2001  
Page : 5

Notwithstanding the above arguments, in the interest of facilitating the prosecution of the above application, the applicants respectfully request the examination of the "generic concept" proposed by the applicants in newly added claims 23-25.

The Examiner is encouraged to telephone the undersigned agent, at the telephone number indicated below, if further discussion of this matter would be helpful.

Respectfully submitted,

Date: 02/20/2003

  
Jason D. Ferrone  
Reg. No. P-52,887  
Enanta Pharmaceuticals, Inc.  
500 Arsenal Street  
Watertown, MA 02472  
Direct Dial (617) 607-0747